

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEAMUS A. ACTON,

Plaintiff,

ORDER

-against-

22 Civ. 4305 (AEK)

POWERLINE CYCLES, INC., *et al.*,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

The Court has reviewed the parties' proposed joint pretrial order, ECF No. 58 ("JPTO"), and their proposed jury instructions, ECF No. 61 ("Charge").

Although the JPTO lists among the issues to be tried state common law tort claims for an unsafe working environment, invasion of privacy, and illegal docking of pay, the parties do not provide proposed jury instructions for these claims in the Charge. If Plaintiff seeks to present these three claims at trial, then he must provide proposed jury instructions (along with any objections from Defendants) for these claims by no later than **May 22, 2024**.

Similarly, the complaint filed in this action includes a state law claim for failure to provide insurance coverage, ECF No. 1 (eleventh claim for relief), but that claim is not included in either the JPTO or the Charge. Because the claim was not listed in the JPTO as one of the claims that remains for trial, the Court's current understanding is that Plaintiff has abandoned this claim. If this is not correct, and Plaintiff seeks to present this claim at trial, then Plaintiff must submit a revised JPTO, and must also provide a proposed jury instruction (along with any objection from Defendants) for this claim, by no later than **May 17, 2024**.

If Plaintiff does not provide proposed jury instructions for these claims by the aforementioned deadline—or seek a timely extension to provide such proposed instructions—the Court may deem Plaintiff to have waived these claims, and may dismiss these claims with prejudice.

Dated: May 15, 2024
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge